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22879 7590 09/24/2010 HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528			EXAMINER DERBROW, JAMES J	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BILL SERRA, SALIL PRADHAN, and ANTONI DRUDIS

Appeal 2009-007601
Application 10/697,688
Technology Center 2100

Before JOSEPH L. DIXON, LANCE LEONARD BARRY, and
JAY P. LUCAS, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

The Appellants appeal under 35 U.S.C. § 134(a) from a Final rejection of claims 1-3, 5-21, and 23-34. Claims 4 and 22 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

I. STATEMENT OF THE CASE

The Invention

The invention at issue on appeal relates to a method and apparatus for determining locations in a spreadsheet for placing sensor data (Spec. 1).

The Illustrative Claim

Claim 1, an illustrative claim, reads as follows:

1. A method implemented by a computerized system comprising:

receiving data from a data source;

determining a geographical location of the data source;

determining a location in an electronic spreadsheet for placing at least a portion of the data, wherein the determined spreadsheet location is based on the determined geographical location of the data source;

inserting the data portion in the electronic spreadsheet at the determined spreadsheet location; and

displaying the electronic spreadsheet to a user, wherein the electronic spreadsheet indicates the geographical location of the data source from a display of the data portion inserted at the determined location.

The References

The Examiner relies on the following references as evidence:

Orr	US 5,808,916	Sep. 15, 1998
Hsiung	US 2003/0144746 A1	Jul. 31, 2003 (filed Mar. 9, 2001)

The Rejection

The following rejection is before us for review:

Claims 1-3, 5-21, and 23-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Orr in view of Hsiung.

II. ISSUE

Has the Examiner erred in finding that the combination of Orr and Hsiung teaches or fairly suggests “determining a location in an electronic spreadsheet for placing at least a portion of the data, wherein the determined spreadsheet location is based on the determined geographical location of the data source”, as recited in independent claim 1?

III. PRINCIPLES OF LAW

Obviousness

“Obviousness is a question of law based on underlying findings of fact.” *In re Kubin*, 561 F.3d 1351, 1355 (Fed. Cir. 2009). The underlying factual inquiries are: (1) the scope and content of the prior art, (2) the differences between the prior art and the claims at issue, (3) the level of ordinary skill in the pertinent art, and (4) secondary considerations of nonobviousness. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) (citation omitted).

IV. FINDINGS OF FACT

The following findings of fact (FFs) are supported by a preponderance of the evidence.

Hsiung

1. Hsiung discloses a system for monitoring and controlling an industrial process by comparing the process parameters against a predetermined training set of parameters (Abstract).

2. Hsiung also discloses the set of predetermined training parameters/data are imported into the spreadsheet:

Model Builders may also select the source of the training data. Training data can come from a real-time data server, a historical data server, or from a Microsoft Excel spreadsheet. Model Builders may specify the location of

the training data for each sensor or model that is used as input to the model. *If training data is being imported from an Excel spreadsheet, data fields from the spreadsheet may be mapped to the appropriate sensor.* A function may be provided which enables the Model Builder to associate a sensor with a column of data in the spreadsheet.

([0365]) (Emphasis added).

V. ANALYSIS

The Appellants have the opportunity on appeal to the Board of Patent Appeals and Interferences (BPAI) to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) (citing *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

The Examiner sets forth a detailed explanation of a reasoned conclusion of unpatentability in the Examiner's Answer. Therefore, we look to the Appellants' Brief to show error in the proffered reasoned conclusion. *Id.*

The Common Feature in Claims

Independent claim 1, recites, *inter alia*, "determining a location in an electronic spreadsheet for placing at least a portion of the data, wherein the determined spreadsheet location is based on the determined geographical location of the data source". Independent claims 9, 17, 25, and 30, with different words, contain these similar limitations.

35 U.S.C. § 103(a) rejections

With respect to independent claim 1, the Appellants contend that the Examiner admits Orr fails to teach or suggests the disputed feature (Reply 2). According to the Appellants, Hsiung also fails to disclose the disputed the feature because “Hsiung discloses sending data from the spreadsheet to a model, rather than determining a location for storing data in the spreadsheet.” (Reply Br. 3). In addition, “there is no showing of determining a location in an electronic spreadsheet for placing at least a portion of the data based on the determined geographical location of the data source as claimed.” (App. Br. 12).

We agree with the Appellants’ contentions. We find the Examiner admits that Orr does not disclose the disputed limitations (Ans. 4). We further find that Hsiung discloses comparing imported training data fields in the spreadsheet with the process parameters to determine the output in the industrial process control (FF 1). We also find the paragraphs of the Hsiung reference relied upon by the Examiner only discuss that the training data that may be imported to the spreadsheet is mapped to the appropriated sensors rather than using the position of sensor to determine the input sensing data position of the spreadsheet (FF 2). Even if we consider that some training data may be imported from sensors to databases as asserted by the Examiner (Ans. 35), we do not find and the Examiner does not indicate where Hsiung mentions determining location of the spreadsheet for placing input data, let alone, wherein the location is based on geographical location of the data

source as required by the claim language. We, therefore, find the Examiner's position is untenable.

Because we agree with at least one of the Appellants' contentions, we find that the Examiner has not made a requisite showing of obviousness as required to teach or fairly suggest the invention as recited in claim 1 by the combination of Orr and Hsiung. The rejection of the dependent claims 2-3 and 5-8 contains the same deficiency. The Appellants, thus, have demonstrated error in the Examiner's reasoned conclusion of obviousness of the subject matter of claims 1-3 and 5-8.

The independent claims 9, 17, 25, and 30 contain the similar limitations to those found in independent claim 1. The Appellants present similar arguments as set forth with respect to independent claim 1 in response to the rejections of independent claims 9, 17, 25, and 30 (App. Br. 8).

As we found above in our discussion with respect to independent claim 1, we similarly find that the Appellants have demonstrated error in the Examiner's conclusion for obviousness of the subject matter of independent claims 9, 17, 25, and 30. The rejection of dependent claims 10-16, 18-21, 23-24, 26-29, and 31-34 also contains the same deficiency. Hence, the Appellants' argument persuades us that the Examiner erred in rejecting claims 1-3, 5-21, and 23-34.

We, therefore, cannot sustain the rejection of claims 1-3, 5-21, and 23-34 under 35 U.S.C. § 103.

VI. CONCLUSION

We conclude that the Examiner has erred in finding that the combination of Orr and Hsiung teaches or fairly suggests “determining a location in an electronic spreadsheet for placing at least a portion of the data, wherein the determined spreadsheet location is based on the determined geographical location of the data source”, as recited in independent claim 1.

VII. ORDER

We reverse the obviousness rejections of claims 1-3, 5-21, and 23-34 under 35 U.S.C. § 103(a).

REVERSED

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